

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>HYMAN GARCIA</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent to distribute five or more grams of</b>
	<b>:</b>	<b>cocaine base (“crack”) - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1) (possession of a</b>
	<b>:</b>	<b>firearm in furtherance of a drug</b>
	<b>:</b>	<b>trafficking crime - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (felon in possession</b>
	<b>:</b>	<b>of a firearm - 1 count)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about February 5, 2009, in Allentown, in the Eastern District of Pennsylvania, defendant

HYMAN GARCIA,

knowingly and intentionally possessed with the intent to distribute five or more grams, that is, 5.2 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 5, 2009, in Allentown, in the Eastern District of  
Pennsylvania, defendant

**HYMAN GARCIA**

knowingly possessed a firearm, that is, a Smith and Wesson, .357 revolver, serial number  
BRR424, loaded with four live rounds of ammunition, in furtherance of a drug trafficking crime  
for which he may be prosecuted in a court of the United States, that is, possession with intent to  
distribute cocaine base (“crack), in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT THREE**

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**THE GRAND JURY CHARGES THAT:**

On or about February 5, 2009, in Allentown, in the Eastern District of  
Pennsylvania, defendant

**HYMAN GARCIA,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, and ammunition, that is, a Smith and Wesson, .357 revolver, serial number BRR424, loaded with four live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this indictment, defendant

#### **HYMAN GARCIA**

shall forfeit to the United States of America

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation of 21 U.S.C. § 841(a)(1), including a 2006 Black Honda, VIN 1HGFA16596L075613, Pennsylvania Registration HCZ4311;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of the violation of 21 U.S.C. § 841(a)(1), to include Bank of America Account No. ending in 1514, in the amount of approximately \$19,000; and

(c) the firearm and ammunition involved in the commission of such offenses, including but not limited to, a loaded Smith and Wesson, .357 revolver, serial number BRR424.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty.

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853, Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).\_\_\_\_\_

**TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**LAURIE MAGID**  
**United States Attorney**